

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
DAVID BAKALAR,

Plaintiff,

v.

MILOS VAVRA and LEON FISCHER,
Defendants.
-----X

Index No.:
05 Civ. 3037 (WHP)
(ECF Case)

**Declaration of Raymond J.
Dowd In Support of Motion
to Present Expert Trial
Testimony**

RAYMOND J. DOWD, an attorney duly admitted to practice before this Court, hereby declares the following under the penalties of perjury:

1. I am a partner in Dunnington Bartholow & Miller LLP attorneys of record for the Defendants MILOS VAVRA and LEON FISCHER. As such, I make this Declaration my knowledge of the present proceedings and upon the file maintained in my office.
2. I respectfully submit this Declaration in further support of Defendant's Motion to Reopen Expert Discovery.
3. Attached hereto and marked as Exhibit A is a true and accurate copy of Plaintiff's Complaint dated March 21, 2005.
4. Attached hereto and marked as Exhibit B is a true and accurate copy of Plaintiff's Amended Complaint dated June 5, 2008.
5. Attached hereto and marked as Exhibit C is a true and accurate copy of Defendant's Answer to Amended Complaint and Counterclaims dated June 24, 2008.
6. Annexed hereto as Exhibit D is a true and accurate copy of The Declaration and Expert Report of Professor Jonathan Petropoulos dated March 25, 2008.

7. Annexed hereto as Exhibit E is a true and accurate copy of the October 21, 2010 transcript of proceedings held before the Hon. William H. Pauley.
8. Annexed hereto as Exhibit F is a true and accurate copy of Defendants' Proposed Findings of Fact and Conclusions of Law dated August 1, 2008.
9. Annexed hereto as Exhibit G is a true and accurate copy of the Brief Amicus Curiae submitted by Profs. Edward Gaffney, Jennifer Kreder and Amb. Stuart Eizenstat dated February 12, 2009 in support of reversal.
10. Annexed hereto as Exhibit H is a true and accurate copy of the Declaration of Dr. Milan Kostohryz regarding Czech Law Applicable to Plaintiff's Claims of *Laches* dated September 5, 2007 with Exhibits.

I declare the foregoing to be true subject to the penalties of perjury.

Dated: New York, New York
November 4, 2010



Raymond J. Dowd